



June 30, 1999

Ms. Dianne Eagleton
Supervisor, Records Division
North Richland Hills Police Department
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR99-1826

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 125626.

The North Richland Hills Police Department (the “department”) received a request for two specific offense reports and information of any contact the department has had with a particular individual. You claim that certain information is excepted from public disclosure by the section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted documents.

Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” The submitted information includes information protected by common-law privacy which is encompassed in section 552.101. For information to be protected from public disclosure by the common-law right of privacy under section 552.101, the information must meet the criteria set out in *Industrial Foundation v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In *Industrial Foundation*, the Texas Supreme Court stated that information is excepted from disclosure if (1) the information contains highly intimate or embarrassing facts the release of which would be highly objectionable to a reasonable person and (2) the information is not of legitimate concern to the public. 540 S.W.2d at 685. The types of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. In addition, in *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the U.S. Supreme Court concluded that where an individual’s CHRI is compiled or summarized by a governmental entity, the information takes on a character that implicates individual’s right of privacy in a manner that the same individual records in an uncompiled state do not. Thus, to the extent that the department has records in which the named individual is a possible suspect, we conclude that the department must withhold this information under section 552.101 of the Government Code.

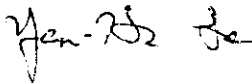
See id.; *see also* Gov't Code § 411.106(b). We have marked the information that you must withhold as private information under section 552.101.

In addition, you must withhold information under section 552.130 of the Government Code. Section 552.130 excepts information relating to a driver's license or motor vehicle title or registration issued by an agency of this state. We have marked the types of information you must withhold under section 552.130, including driver's license numbers, VIN numbers, and license plate numbers.

Lastly, you argue that portions of the requested information are confidential under section 611.002 of the Health and Safety Code. Section 611.002 applies to "[c]ommunications between a patient and a professional, [and] records of the identity, diagnosis, evaluation, or treatment of a patient that are created or maintained by a professional." *See also* Health and Safety Code § 611.001 (defining "patient" and "professional"). Section 611.002 is inapplicable here because the records are not created or maintained by a "professional" as contemplated by sections 611.001 and 611.002.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 125626

Encl.: Marked documents

cc: Mr. Timothy J. Meyer
Private Investigator
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Granbury, Texas 76049
(w/o enclosures)